

1893-005 Chancery Causes: C. W. Brownson vs. W. G. Colson
Lee Co.

CA - Contract Dispute

To the Honorable H.S.K. Morison, Judge of the Circuit Court of Lee county, Virginia:

Humbly complaining your orator, C.W. Brownson, will show to your Honor that heretofore, to wit: during the year 1892, he furnished material and lumber to W.G. Colson of said county of Lee to be used in the dwelling house recently built by the said Colson on his farm in said county, amounting in the aggregate to \$518.42, this lumber and material was furnished to R.M. Claiborn the general contractor on said house. Upon this sum of \$518.42 there was paid to your orator before the 14th day of November, 1892, the sum of \$58.57 leaving a balance due on that day of \$459.85, and on that day, to wit: on the 14th day of November 1892, and within less than 30 days from the time when he furnished said materials and within less than 30 days from the completion of said building, your orator filed in the Clerk's office of Lee county, Virginia an account showing the amount and character of the material and lumber furnished, the prices charged therefor, the payment made to him, the balance due verified by his oath, with a statement attached declaring his intention to claim the benefit of a mechanic's lien on said property and giving a brief description of said property, all of which will more fully appear by reference to said account and declaration which are herewith filed as part hereof marked exhibit "A". Your orator will now show your Honor that before furnishing said lumber and materials he gave notice in writing to W.G. Colson the owner of said property that he had contracted to furnish said lumber and materials to said R.M. Claibourn the general contractor for the construction of said house. Your orator will further show your Honor that the materials and lumber furnished by him were used in the construction of said house and that your orator, after said materials were furnished by him, and before the expiration of 30 days from the time of the completion of said building, furnished to W.G. Colson, the owner of said house, and to R.M. Claibourn, the general contractor, each, a correct account verified by affidavit of his claim against the general contractor for the lumber and materials furnished, and of the amounts still due him. Your orator will now further show your Honor that since the filing and recording of said lien aforesaid, to wit: on the day of 18 there has been paid to him the sum of \$336.00 which constitutes a credit on said lien, leaving a balance of

\$123.85 with its interest still due to your orator. Your orator will further show your Honor that the house for which he furnished said lumber and materials and in which the same ~~was~~ used was erected for said W.G. Colson on a tract of land situated in Rose Hill district Lee county, Virginia, containing 480 acres more or less, it being the same tract of land owned by Wm. Woodson in his life-time and known as said Woodson's home place, and adjoins the lands of S.C. Kincaid, R.E. Crockett and others. Now the object of this bill is to enforce said lien and to collect said balance of \$123.85 with its interest, and to subject to sale said house and enough of said land to pay and satisfy said debt, and being without an adequate remedy at law he asks your Honor's court of Chancery to take cognizance of his cause and grant him proper relief. To this end he makes W.G. Colson the party defendant to this bill and prays that he be required to answer its several allegations, but answer under oath is expressly waived, and that upon a hearing a decree be entered in his favor for his claim with its interest and for a sale of said house and lands or of enough thereof to pay the same, and for full general relief. May spa. issue, &c.

C. W. Brownson,

By
C. T. Lawrence
Atty for Plaintiff

his counsel.

At Cfs. 89

C.W. Brownson } Bill in
vs. }
W.G. Colson. } Chan'ry.

1873 2nd Febry Rules Bill
Filed & returned
not executed & contd
" 1st 2nd March Rules "
" 1st 2nd April " "
" 1st 2nd May " "
" 1st 2nd June " "
" July & Aug " "
" Sept & Octo " "

Middlesborough, Ky., Nov. 14th 1892

M. W. G. Colson House

By R. M. Cleburn Contractor

To C. W. BROWNSON, Dr.

MANUFACTURER'S AGENT,

Dealer in

Lumber, Sash, Doors, Blinds and all Builder's Materials.

LUMBER SOLD ON COMMISSION.

130 pcs	2 x 10 x 16	3466
68 "	2 x 6 x 18	1224
16 "	2 x 10 x 10	268
12 "	2 x 8 x 18	288
6 "	2 x 8 x 20	160
16 "	2 x 6 x 12	192
16 "	2 x 8 x 12	256
16 "	2 x 4 x 12	128
12 "	2 x 4 x 18	144
6 "	2 x 4 x 20	126
41 "	2 x 4 x 10	273
6 "	2 x 6 x 16	96
246 "	2 x 4 x 10	1640

Middlesborough, Ky., 189

M

To C. W. BROWNSON, Dr.

MANUFACTURER'S AGENT,

Dealer in

Lumber, Sash, Doors, Blinds and all Builder's Materials.

LUMBER SOLD ON COMMISSION.

100 pcs -	2 x 4 x 14	933
80 "	1 x 3 x 12	240
		<u>9434</u>
600 ft.	stand. ceiling	
2000 ft.	" flooring	
28 M	Cypress shingles	
2500 ft.	1 x 4 sheathing	
500 "	1 x 12 boards scaffolds	
11	columns turn	
300 ft.	1/4 round	
9	Windows 30 x 36 - 2	
13	" 30 x 32 - 2	
2	" 20 x 36 - 2	
1	" 12 x 24 - 4	

Middlesborough, Ky., 189

M

To C. W. BROWNSON, Dr.

MANUFACTURER'S AGENT,

Dealer in

Lumber, Sash, Doors, Blinds and all Builder's Materials.

LUMBER SOLD ON COMMISSION.

9	pcs.	1 1/4 x 12 x 10	Pine	doors	108
9	"	7/8 x 7 x 10	Pop.	doors	60
3	"	1 3/4 x 12 x 12	Pine	"	
6	"	1 3/4 x 10 x 14	doors	Pop	
6	"	1 1/4 x 12 x 12	doors	oak	
6	"	7/8 x 7 x 12	"	"	
6	"	7/8 x 12 x 12	"	"	
20 oak balustrades					
10	pcs.	7/8 x 12 x 1 x 4	Pop	doors	
3	"	7/8 x 8 x 14	"	"	
6	"	1 1/4 x 11 x 12	"	"	
6	"	7/8 x 7 x 12	"	"	
250 ft. lattice B. M.					

Middlesborough, Ky.,

189

To C. W. BROWNSON, Dr.

MANUFACTURER'S AGENT,

Dealer in

Lumber, Sash, Doors, Blinds and all Builder's Materials.

LUMBER SOLD ON COMMISSION.

24 pcs. $7/8 \times 14 \times 14$ Pih d Ls

24 " $7/8 \times 8 \times 14$ " "

24 " $7/8 \times 8 \times 14$ " "

24 " $7/8 \times 5 \times 14$ " "

24 " $7/8 \times 2 \times 14$ " "

2 Sash doors

2 Doors $6^3 \times 8^6 - 2^u$

8 " $2^{10} \times 6^{10} \times 1^{3/8}$ 3P. #1

1 Sash door $2^8 \times 6^8 - 1^{3/5}$

7 doors $2^8 \times 6^8 - 4P.$

20 ft. oak rail

500 lin fl. $7/8 \times 5^{1/2}$ oak casing

250 " " $7/8 \times 10$ " base

Middlesborough, Ky., 189

M

To C. W. BROWNSON, Dr.

MANUFACTURER'S AGENT,

Dealer in

Lumber, Sash, Doors, Blinds and all Builder's Materials.

LUMBER SOLD ON COMMISSION.

600 lin fr. $\frac{1}{8}$ x 10 x 12 oak boards
Price on above as per
Contract

498 42

Cash and material
returned

58 57

439 85

To 1000 laths not included
in above contract

Total amt. due -

~~20 00~~
~~459 85~~
336 00
123 85

The affiant C. W. Brownson states that the author
is an inmate of the Penitentiary in the construction of
account against R. M. Claiborne is a just
demand and is due and unpaid and that
there is no offset or discount against same
or any usury embraced therein

C. W. Brownson

Subscribed and sworn to before me by
C. W. Brownson this 14 day of November 1882

A. U. Martin

N. O. Bell Co Ky

J. C. St. Brownson of the County of Hill and State
of Kentucky do hereby declare my intention
to claim the benefit of a Lien, (for materials
furnished) on the brick dwelling house
recently erected for H. G. Colson, in Lee County
Virginia. This house is erected and stands on
the former formerly owned by Wm. Woodson now
owned by the said Woodson to his daughter Elizabeth
Young and by the said Elizabeth Young and
J. H. Young her husband sold to H. G. Colson, or
to H. G. Colson and J. M. Hester. said former contains
480 acres more or less is situated in the
Race Hill Magistrate District in Lee County
Virginia and lies on both sides of Station
Road. The amount for which said Lien is
claimed is, \$559.85 and is correctly shown
by an account recd attached as part hereof
marked 'A'. Given under my hand this
14th day of November 1892.

J. C. St. Brownson
by J. M. Hester Agent
Magistrate Court to wit:

On the 15th day of the 15th day of
November 1892 This Mechanics
Lien was presented and admitted
to record. L. J. R. Gibson Clerk

W. H. Brown
to L. H. Brown

W. H. Brown to L. H. Brown

Received of

Cash 200.00

L. H. Brown to L. H. Brown

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The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON

W. H. Watson

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the ^{third} ~~first~~ Monday in *February* 189*4* next, being rule day to answer a bill in Chancery exhibited in our said Court against

him

by

L. W. Brownson

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This..... *9th*day of *February*18*94*..... in the 11^{*7*} year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste.....*J. A. G. Hyatt*.....Clerk.

for
W. G. Colson

The Commonwealth of Virginia.

To The Sheriff of Lee County Greeting:

WE COMMAND YOU TO SUMMON.....

W. B. Colson

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the ~~first~~ ^{third} Monday in.....
February 1893 being rule day to answer a bill in Chancery exhibited in our said Court against

him by *L. W. Brownson*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This..... *9th* day of *February* 18..... *93* in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste..... Clerk.

LD

C. W. Brownson
vs 3 Spain & Okey

W. L. Leeson
To Snd Feby. Rules 1893

Not executed
on account of
sickness

This Feb. 20th 93.

J. M. Weston
Left for C. E.
Flanary
S. L. C.